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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the Transnational Radical Party, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 March 1996]

1. Population transfer in Tibet refers to a deliberate policy - or an indirect result of government policy - of forcing or inducing people to move into or away from a territory, with the purpose or effect of transforming the demographic composition or political status of a given territory. Recognizing that population transfers, including the implantation of settlers, affect the basic human rights of the inhabitants and the settlers, the Sub-Commission on Prevention of Discrimination and Protection of Minorities resolved to examine the human rights dimension of population transfer. The Special Rapporteur's preliminary report (E/CN.4/Sub.2/1993/17) comprehensively outlines the human rights implications of population transfer in the light of international legal standards. The large-scale implantation of Chinese settlers in Tibet since the Chinese military invasion in 1949-1950, was designed to consolidate China's occupation of the Tibetan people, who have now become a minority even within their own country.

2. The large-scale transfer of Chinese into Tibet violates humanitarian and human rights law, including treaties that China itself has ratified. Article 49 of the Fourth Geneva Convention prohibits any occupying Power to "deport or transfer parts of its own civilian population into the territory it occupies". The application of article 49 extends for the duration of the occupation when China exercises the functions of government in Tibet. Article 47 extends the Convention's protection regardless of the de facto status of Tibet today.

3. Population transfer also violates the Tibetans' right in international law contained in international covenants and the Charter of the United Nations, constituting jus cogens. China does not dispute that the Tibetan people have a distinct language, culture, religion and historical heritage. As a distinct people, Tibetans have a right to control their economic, cultural and political destiny free of domination by implanted settlers. In 1987, His Holiness the Dalai Lama said: "For the Tibetans to survive as a people, it is imperative that population transfer stop and that Chinese settlers return to China. Otherwise, Tibetans will soon be no more than a tourist attraction and a relic of a noble past".

4. Non-discrimination is also a fundamental rule of international law embodied in the International Convention on the Elimination of All Forms of Racial Discrimination, which China has ratified. China's population transfer into Tibet has resulted in discrimination in housing, education, employment and social services. Because one of the aims of the transfer of Chinese settlers is to eradicate the Tibetans' distinct racial, cultural and national identity, it is discriminatory in and of itself.

5. The Chinese population within the region encompassing what Tibetans refer to as Tibet (both the Chinese-designated Tibet Autonomous Region (TAR) and the Tibetan autonomous prefectures incorporated into Qinghai, Gansu, Sichuan and Yunnan provinces) has increased substantially since 1949. At that time, according to both Tibetan and Chinese statistics, there were virtually no Chinese in the Tibet Autonomous Region and only a few hundred thousand in the bordering provinces. According to Chinese statistics, by 1953, there were 426,000 Chinese in the areas of Winghai, Gansu, Sichuan and Yunnan provinces, though still none in the Tibet Autonomous Region, not counting soldiers. The 1982 census showed 1,541,000 Chinese in Tibet and 92,000 in the Tibet Autonomous Region.

6. Official Chinese figures for 1990 show lower overall numbers of Chinese in Tibet (1,508,000), but independent observations indicate that the actual number of Chinese in Tibet is much higher and still growing. For example, the official Chinese census gave 67,000 Chinese for the Tibet Autonomous Region in 1990, but a 1993 Chinese report indicated 118,000. On the other hand, a recent fact-finding mission to Tibet (led by Anders Anderson) conservatively estimated the total Chinese population in the remaining areas of Tibet at 5 to 5.5 million. Tibetan government estimates, however, put the number at over 7.5 million.

7. In contrast, the Tibetan population has declined drastically from over 6 million Tibetans in Tibet at the time of the invasion to about

4.6 million today, based on Chinese census figures and first-hand observations. Population transfer has therefore made the Tibetans a minority within their own country.

8. In 1994, the Chinese Government publicly acknowledged that it encouraged and supported migration into Tibet. The Government had denied any policy to relocate Chinese into Tibet, but other sources have acknowledged that such a policy has existed for decades.

9. Chinese government policies and programmes, moreover, encourage a large "floating population" to settle in Tibet. The Government has built housing, schools, hospitals and even shopkeepers' stalls to support the Chinese migration. It has relaxed regulations to make it simpler to open a private enterprise in Tibet and substantial numbers of Chinese are taking advantage of this. The Government has been building and improving major roads connecting Chinese provinces to Lhasa and other Tibetan cities, and is now working on railroad connections. The Government recently removed all checkpoints on roads leading from neighbouring provinces to Tibet. The Government also resettles Chinese cadres and technical experts involuntarily and actively recruits others.

10. The impact on Tibetans of the massive transfer of Chinese settlers and soldiers has been devastating. Since the 1950s, Tibetan farms and grasslands have been confiscated and incorporated into collectivized and communal farms. The rapid increase in settlers and soldiers led to the worst famines in Tibet's history, with the death of over 340,000 Tibetans, because the land could not support the rapid increase. Ill-conceived efforts to boost productivity of lands suitable only for nomadic grazing or limited farming have resulted in widespread desertification.

11. Economic development projects, including the construction of roads, power plants, housing and office buildings, factories and large-scale agricultural/irrigation projects, have been carried out with primarily Chinese workers, even in unskilled positions. Tibetans are not being allowed to participate in economic development. Tibetans are also being displaced from farmlands confiscated for construction sites. The purpose and effect of this economic development has also been to create more opportunities for settlers relocated in Tibet.

12. Housing, schools and hospitals are primarily being built for the incoming Chinese population, not for Tibetans. In Lhasa recently, thousands of Tibetans were removed from their homes and relocated to the outskirts of the city so that their homes could be razed to build housing for Chinese workers. Elsewhere, the concentration of new housing and services in the major towns and cities, where they support the majority Chinese population, has left these services unavailable to most Tibetans who live in rural areas.

13. Perhaps the most insidious practice to accompany the Chinese migration into Tibet is the restriction on child-bearing. Chinese family planning policies have gradually been extended to all Tibetans. Reports confirm the practice of coerced abortions and sterilizations among Tibetan women, sometimes through campaigns conducted village by village. These measures in and of themselves violate the Tibetans' human rights. In the context of

massive Chinese migration into Tibet, they can only be explained in terms of a concerted effort to see that the Tibetan people disappear under the waves of Chinese settlers.

14. Even Chinese government statistics show an overall decline in the Tibetan population since 1949 of over 1.4 million Tibetans, or one quarter of the pre-invasion population (from over 6 million to 4.6 million). Only a little more than 80,000 Tibetans have gone into exile. There is evidence that over 1.2 million Tibetans died as a direct result of the Chinese invasion and occupation from famine, military aggression, imprisonment, execution, torture and suicide. A decline in the Tibetan population of over 100,000 is unaccounted for, even putting aside the natural growth in the Tibetan population that would otherwise be expected. The massive population transfer into Tibet with accompanying dislocation, discrimination, overburdening of the fragile environment and restrictive child-bearing practices are threatening the very existence and survival of Tibetan people and culture. The genocidal effect of population transfer on the Tibetan people is only becoming clearer with the passage of time.

15. We appreciate the fact that the Commission on Human Rights has repeatedly taken up the human rights situation in Tibet at its previous sessions. Nevertheless, we are of the opinion that the Commission on Human Rights should continue its efforts to end the violations in Tibet. China should be made accountable for its repeated failure to end policies that have deprived the Tibetan people of their human rights and fundamental freedoms. We therefore call upon the Commission on Human Rights to adopt a strong resolution on China at this session.